

**Notice of Allowability****Application No.**

10/556,010

**Applicant(s)**

SOOMRO ET AL.

**Examiner**

JUTAI KAO

**Art Unit**

2473

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed on 06/14/2010.
2. ☒ The allowed claim(s) is/are 1,7,9,11,13,15,23 and 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20100827.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 08/26/2010.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Marion (Reg. No. 32,266) on 08/26/2010.

The application has been amended as follows:

Figs. 1-4F are to be replaced by the amended drawings herein. See separate drawing sheets.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figs. 1-4F are to be replaced by the amended drawings herein. See separate drawing sheets. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance: claims 1, 7, 9, 11, 13 and 23 were previously indicated allowable over prior art, but were rejected under 35 USC 101. The claims have been amended in the amendments filed on 06/14/2010 to overcome the 35 USC 101 rejection without introducing new matters.

Claims 1, which claims 7, 9, 11, 13 and 23 depends on, were previously rejected under 35 USC 101 as the claim directs to a method claim not tied to any hardware. The amendment filed on 06/14/2010 is includes the new limitations requiring the claimed

steps to be performed by at least one of the station and the access point, which are both considered hardware devices. Even though the claimed "station" and "access point" are only recited in the preamble of claim 1, these two devices are given patentable weight as the claim specifically requires that "at least one of the station and the access point" to perform the claimed methods. In addition, the preamble also recites "wherein at least one of the station and the access point is adapted to perform the steps comprising:..." Although the underlined portion shows the use of the term "adapted to", which is a potential optional language, the term, as used herein, is not considered optional. The claimed methods are considered required step since the claim recites a processor based method performed by at least one of the station and the access point that only includes the "formatting" step and the "specifying" step disclosed in the body of the claims, therefore the processor based method may only be the formatting step and the specifying step as there are no other options disclosed by the claim. Therefore, the "formatting" and "specifying" steps of claim 1 are considered as required steps.

Claims 15 and 24 were allowed in the previous office action. The allowance is maintained.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUTAI KAO whose telephone number is (571)272-9719. The examiner can normally be reached on Monday ~Friday 7:30 AM ~5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571)272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KWANG B. YAO/	/Ju-Tai Kao/
Supervisory Patent Examiner, Art Unit 2473	Acting Examiner of Art Unit 2473

Ju-Tai Kao